

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RAFIC SAADEH,

Plaintiff,

20 Civ. No. 1945 (PAE) (SN)

- against -

**DEFAULT JUDGMENT**

MICHAEL KAGAN, JOSHUA KAGAN  
and THE ESTATE OF IRVING KAGAN  
(by Its Administrator, Michael Kagan),

Defendants.

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This action having been commenced on March 4, 2020 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been personally served on defendant The Estate of Irving Kagan (by Its Administrator, Michael Kagan) (“defaulting defendant”), on March 19-20, 2020 by (i) on March 19, 2020, delivery of those papers to the doorman of defaulting defendant’s residence at 200 West 60th St., Apt. 230, New York, N.Y. 10023-8508, after the doorman refused to allow the process server further access into the building and refused to give his true first and last name, such person being a person to whom the summons and complaint could be delivered under New York law to effect service under NY CPLR 308, and (ii) on March 20, 2019, mailing a true copy of the same papers to the same address by regular First Class Mail in accordance with NY CPLR 308’s requirements; and a proof of service having been filed on May 8, 2020 (Dkt. 10 & 11), and the defaulting defendant not having answered the Complaint, and the time for answering the Complaint having expired; and

This Court having entered an Order granting a default judgment against the

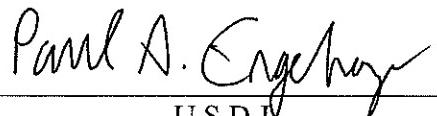
defaulting defendant on January 29, 2021 (Dkt. 74), and having entered an Order (Dkt. 75) commissioning the Magistrate Judge assigned to the case to undertake an inquest into damages; and

The Magistrate Judge having, on July 20, 2021, issued a Report and Recommendation (Dkt. 109), recommending “that the Court award [plaintiff] \$130,000 in principle, plus \$6,368.22 in contractual interest, for a total of \$136,368.22” and “further recommend[ing] that [plaintiff] be awarded pre-judgment statutory interest at an annual rate of nine percent, to be calculated on the full amount owed pursuant to the Loan Agreement, or \$136,368.22, from the date of accrual [of April 30, 2018, *see id.* at 11] to the date of the entry of final judgment, and post-judgment interest to accrue at the statutory rate,” *id.* at 12; and

The Court having entered an Order, on August 1, 2021, adopting the Magistrate Judge’s Report and Recommendation in full (Dkt. 110), it is

ORDERED, ADJUDGED AND DECREED: That plaintiff have judgment against the defaulting defendant the Estate of Irving Kagan in the liquidated amount of \$136,368.22, with interest at 9% from April 30, 2018 through the date Judgment is entered [amounting to \$40,988.92 through August 31, 2021, plus \$33.625 per day until such time as Judgment is entered], amounting to \$178,265.02, with interest to accrue hereafter at the statutory rate.

Dated: New York, New York  
August 31, 2021

  
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U.S.D.J.

This document was entered on the docket on September 27, 2021.